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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/754,257	11/26/94	SCUELLENDERS	PL12240

PICKER INTERNATIONAL INC
595 MINER ROAD
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QM41/0611

EXAMINER	
CASLER, D	
ART UNIT	PAPER NUMBER
0707	11

DATE MAILED:

06/11/99

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/756,257

Applicant(s)
Schellenberg

Examiner
Brian L. Casler

Group Art Unit
3737



☒ Responsive to communication(s) filed on Jan 19, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15, 17, 19-31, and 33-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 7-14, 17, 19-21, 23-28, 30, and 33-35 is/are rejected.

☒ Claim(s) 6, 15, 22, 29, and 31 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,7,8-14,17,19-21,23-30,33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manwaring et al. In view of Yabe.

Manwaring et al. teaches everything including a method and apparatus for guiding an instrument to a target within the body. Manwaring et al. teaches guiding a probe such as an endoscope along a selected trajectory to the target. The system in Manwaring et al. Includes a display for indicating the orientation and position of the probe, the desired position with respect to the selected trajectory, and a direction in which the probe should be moved to return to the selected trajectory. The system includes the use of a number of known types of sensors to detect the position and orientation of the probe such as infrared, acoustic, or mechanical. The probe also includes the ability to take live forward-looking video images from the tip of the probe which may be included in the display. It is also important in Manwaring et al. that the display be located so that it's visually presented information is conveniently viewed by the surgeon. Please note col. 3, lines 24-36, col. 4, lines 1-67, col. 6, lines 23-35, cols. 7-8, lines 64-67 and 1-9 respectively as well as figs. 1-2.

Manwaring et al. does not teach a display means mounted to the probe or determining the location of the display means.

Yabe teaches an endoscope system for getting biopsy information in which the endoscope includes a monitor for displaying live video images from the tip of the endoscope. Note col. 2, lines 22-68 and fig. 1.

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In view of Yabe, it is well known to include on an endoscope itself a monitor to display live video images of the inside of the body wherein the images are conveniently viewable by a surgeon during a procedure. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the endoscope of Yabe with the system of Manwaring et al. to allow the information regarding the position, orientation, and trajectory of the endoscope be displayed on the endoscope itself where it may be conveniently viewed by the surgeon while guiding the endoscope along the selected trajectory.

Allowable Subject Matter

3. Claims 6,15,22,29, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-15,17, 19-31,and 33-35 have been considered but are moot in view of the new ground(s) of rejection.

The indicated allowability of claims 3,24,27, and 30 is withdrawn in favor of the above new rejection.

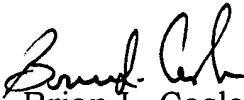
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Casler whose telephone number is (703) 308-3552.

blc
June 7, 1999


Brian L. Casler
Primary Examiner
A.U. 3737